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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Guru V. Betageri)
)
Appl. No. : 09/931,399)
)
Filed : August 16, 2001)
)
For : ENTERIC-COATED)
PROLIPOSOMAL)
FORMULATIONS FOR)
POORLY WATER SOLUBLE)
DRUGS)

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PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(XII)
OR IN THE ALTERNATIVE UNDER M.P.E.P. § 708.02(X)

ATTN: Hon. Commissioner of Patents
and Trademarks
United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(XII), and, in addition, pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(X), Applicant hereby petitions to make the above-captioned application (the "Application") special in order to advance its examination in the Patent and Trademark Office.

Petition to Make Special Under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(XII)

Pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(XII), Applicant, a small entity, hereby petitions to make the Application special in order to expedite its examination because the subject matter of the above-captioned biotechnology patent application is a major asset of the

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small entity, for which technology development will be significantly impaired if examination is delayed.

A. Statement Establishing Small Entity Status

Applicant is a small entity. Applicant, Dr. Guru Betageri, is a scientist employed with the Western Center for Drug Development, Western University of Health Sciences, a non-profit institution of higher learning. Applicant has an obligation to assign his rights to this institution. No other entity has rights in the invention. As, such, pursuant to 37 C.F.R. §1.37(c) Applicant asserts his entitlement to small entity status.

B. Statement that Invention is a Major Asset

The subject matter of the patent application is a novel and exciting drug delivery system which is encompassed within the field of biotechnology. The invention is a major asset of the small entity, as the Western Center for Drug Development has been established specifically to market and further develop the invention.

C. Statement that Development will be Impaired

The development of this drug delivery technology will be significantly impaired if examination of the patent application is delayed. Currently, Applicant is attempting to obtain funding to both market this technology and to further develop improvements on this technology. However, several potential investors have insisted on the receipt of a first office action on this application before committing to an investment. Hence, Applicant is being, and will continue to be, seriously impaired by any delay in examination.

Petition to Make Special Under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(X)

In the alternative, pursuant to 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(X), Applicant hereby petitions to make the Application special in order to advance its examination because the above-captioned application relates to HIV/AIDS and cancer.

Applicant's invention is an effective drug delivery system which will be used to deliver anti-HIV/AIDS and anti-cancer drugs to patients. Currently, many of the available anti-HIV/AIDS and anti-cancer drugs on the market have low bioavailability because they are poorly absorbed by the body. Use of these drugs with the drug delivery system of the current invention will increase bioavailability to the patient by increasing absorption of the drug. Therefore, this invention is expected to profoundly increase the efficacy of many of the major HIV/AIDS and

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anti-cancer drugs currently available on the market and many new drugs yet to be discovered. Further, it is envisioned that companies which develop anti-HIV/AIDS and anti-cancer drugs will collaborate with Applicant in the research and development of a new class of highly absorbable pharmaceuticals. As such, this invention is expected to revolutionize the treatment regimes of individuals affected with HIV/AIDS and cancer.

CONCLUSION

Applicant respectfully submits that all of the requirements under 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(XII) and 37 C.F.R. § 1.102 and M.P.E.P. § 708.02(X) to make the Application special have been satisfied and requests that this Petition be granted.

A check in the amount of \$130.00 for payment of the fee under 37 C.F.R. § 1.17(h) is enclosed. Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 19 March 2002

By: Daniel E. Altman

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